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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,326	04/20/2001	Yung-Tang Lee	3313-0312P	1019

2292 7590 10/20/2004

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EXAMINER
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SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/20/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/838,326

**Applicant(s)**

LEE ET AL.

**Examiner**

Matthew C. Sams

**Art Unit**

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 2 [14]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2643

3. Claims 1-3, 6-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Robb (US-6,177,950 herein after, Robb).

Regarding claim 1, Robb discloses a digital video camera with broadcasting capability. (Col. 1 lines 8-11) Robb discloses a digital video camera for recording and storing object image and audio (Col. 1 lines 21-24), a wireless transmission module for sending the information to remote sites (Col. 1 lines 29-37), and a security system for allowing authorized users to use the wireless mobile communication network. (Col. 4 lines 48-56)

Regarding claim 2, Robb discloses a digital video camera with a lens, a microphone, operation buttons, and a recording medium for storing information. (Col. 15, lines 59 and 62-65 and Col. 16, claim 30)

Regarding claim 3, Robb discloses a digital video camera with a hidden microphone. (Fig. 1A [9])

Regarding claim 6, Robb discloses an operational panel as press button type. (Col. 15 line 59)

Regarding claim 7, Robb discloses an operational panel as being a touch screen. (Col. 16 claim 32)

Regarding claim 10, Robb discloses a digital video camera that operates in the radio frequency spectrum, specifically with TDMA schemes. (Col. 1 lines 34-37 and Col. 9 lines 61-63) GSM utilizes TDMA and the operating frequencies of GSM systems (900 MHz, 1.8 GHz and 1.9 GHz) are in the radio frequency spectrum.

Art Unit: 2643

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robb in view of Michaeli et al. (US-2002/0093493 herein after, Michaeli).

Regarding claim 4, Robb discloses all of claim 1. Robb differs from the claimed invention in failing to specifically teach of an external microphone. However, Michaeli discloses a digital video camera with a jack for an external microphone. (Page 3 [0045]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to prepare the digital camera of Robb with an external microphone like that of Michaeli. One of ordinary skill in the art would have been motivated to do this since having an external microphone allows the user to have input over the architecture of digital video camera. (Page 3 [0045])

Regarding claim 8, Michaeli discloses a digital video camera with a moveable LCD and a housing for the LCD. (Page 1 [0006])

Regarding claim 9, Robb discloses a digital video camera with a housing and socket for receiving a SIM card. (Col. 4 lines 48-56)

Art Unit: 2643

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robb and Michaeli as applied to claim 4 above, and further in view of Morningstar (US-6,373,437 herein after, Morningstar).

Robb and Michaeli disclose claims 1 and 4. Robb and Michaeli differ from the claimed invention in failing to specifically teach of an antenna built into the external microphone. However, Morningstar discloses a microphone with an antenna. (Col. 2 lines 17-20 and Fig. 2 [12 and 14]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to prepare the digital camera of Robb and Michaeli with a external microphone and antenna (Fig. 2 [12 and 14]) like that of Morningstar. One of ordinary skill in the art would have been motivated to do this since this arrangement allows for efficient signal communication via the antenna, while offering a practical interface for the transmission and reception of voice signals. (Col. 1 lines 64-67)

### ***Conclusion***

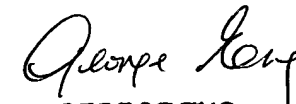
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
10/12/2004

  
**GEORGE ENG**  
**PRIMARY EXAMINER**